

## CIVIL DOCKET

No. 67-C-162

UNITED STATES DISTRICT COURT

Jury demand date: 10-4-67 by plaintiff.

D. C. Form No. 106A Rev.

8

## TITLE OF CASE

## ATTORNEYS

A. W. Holiday,

VS

Carl Mercer, individually and  
 coing business as Hollywood  
 Deeptone Mfg. Co., and Hollywood  
 Deeptone Mfg., a Corporation,

## For plaintiff:

Kelly & Gambill,  
 P. O. Box 329, Pawhuska, Okla., 74056

## For defendant:

Lewis M. Watson  
 Box 96  
 Ada, Oklahoma 74820

## STATISTICAL RECORD

## COSTS

## DATE

NAME OR  
RECEIPT NO.

## REC.

## DISB.

J.S. 5 mailed 10-1-67

Clerk

9-1-67 Kelly  
 9-7-67 CD #10

15 00

15 00

J.S. 6 mailed 6-1-68

Marshal

Basis of Action:

Docket fee

Suit on contract

Witness fees

Action arose at:

Depositions

Pawhuska

1967 DATE	PROCEEDINGS	Date Order or Judgment Noted
9-1-67	Complaint, filed. Summons Issued. e	
9-14-67	Return on summons, filed. Served Hollywood Deepton Mfg. Co. by serving Donald N. Byberk, Reg. Service agent for Hollywood Deep Tone Mfg. Co. at Oklahoma Caty, Okla, on 9-7-67. (\$4.00) ds	
9-28-67	Defendant Carl Mercer's motion to dismiss and answer, filed. b	
9-28-67	Defendant Hollywood Deep Tone Mfg. Co's motion to dismiss and answer, filed. b	
9-28-67	Ordered by the Court that the defendants are granted 5 days within which to file a brief in support of their motions to dismiss. (Fred Daugherty-Judge) b	
10-2-67	Summons returned, filed - with affidavit of service attached. b	
10-2-67	First amended answer of defendant, Carl Mercer, filed. b	
10-2-67	First amended answer of defendant, Hollywood Deep Tone Mfg. Co., a corporation, filed. b	
10-4-67	Plaintiff's demand for jury trial, filed. b	
10-19-67	Withdrawal of motions by defendants, Carl Mercer and Hollywood Deep Tone Mfg. Co., a corporation, filed September 28, 1967, filed. b	
10-19-67	Ordered by the Court that the defendants Carl Mercer and Hollywood Deep Tone Mfg. Co., a corporation are permitted to withdraw their motions to dismiss. (Fred Daugherty - Judge) b	
11-9-67	Ordered by the Court that this case is set for pre-trial on Monday, December 11, 1967 at 10:45 A. M. (Fred Daugherty-Judge) b	
12-11-67	Defendant's (Carl Mercer) interrogatories to plaintiff, filed. ds	
12-11-67	Pre-trial hearing held. Plaintiff directed to file memo brief within 15 days to determine which defendant is liable. Defendant also granted 15 days to file memo brief to support allegations as to unilateral contract, lack of consideration, etc. Parties granted 5 days to file reply briefs. Plaintiff to prepare pre-trial order. Jury trial set for 2-6-68 at 9:30 A.M. (AEB-J)h	
12-26-67	Brief of the plaintiff as to the liability of each of the defendants, filed. b	
12-28-67	Brief of defendants, filed. b	
1-8-68	Plaintiff's Answers to interrogatories, filed. ds	
1-8-68	Ordered by the Court that plaintiff notify the Court within 10 days from date if he intends to answer defendant's interrogatories, or, in the alternative, that such answers have been filed. (Fred Daugherty-Judge)b	
1-10-68	Motion of defendant, Carl Mercer, to compel plaintiff to answer interrogatories, filed. b	
1-10-68	Ordered by the court that defendant Carl Mercer withdraws his motion to compel plaintiff to answer interrogatories. (Fred Daugherty-Judge)	
1-17-68	Notice of plaintiff to take depositions, filed. e	
1-25-68	Defendants' motion to vacate notice to take depositions, filed. b	
1-25-68	Defendants' memorandum brief on above motion, filed. b	
1-25-68	Motion of defendant, Carl Mercer, to compel plaintiff to make further answer, filed. b	
1-25-68	Memorandum brief, filed. b	
1-25-68	Defendants' objection to notice of deposition, filed. b	
2-1-68	Plaintiff's motion to adjourn trial to future date, filed. b	
2-2-68	Ordered by the Court that, at the request of both sides, this case is stricken from the jury assignment of February 6, 1968. (Fred Daugherty-Judge) b	
2-2-68	Order filed, that the motion of defendant, Carl Mercer, to compel plaintiff to make further answer to interrogatories, filed 1-11-68 is overruled; the the motion of defendant to compel plaintiff to make further answers, filed 1-25-68 is sustained; and that the defendant's motion to vacate notice to take depositions and objection to notice of deposition are	

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D. C. 110A Rev. Civil Docket Continuation

Sheet No. 2

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DATE	PROCEEDINGS	Date Order or Judgment Noted
2-5-68	each sustained. (Fred Daugherty - Judge) b Order filed, that the trial of this action is adjourned to be reset by the Court. (Fred Daugherty - Judge) b	
2-6-68	Pre-trial order of December 11, 1967, filed. (Fred Daugherty - Judge) b	
2-9-68	Answer of A. W. Holiday, plaintiff, to interrogatories propounded by the defendant, filed. b	
2-9-68	Plaintiff's notice to take depositions, filed. b	
3-1-68	Plaintiff's interrogatories to defendant, filed. ds	
3-4-68	Testimony of Carl Mercer, taken on behalf of plaintiff, at Pawhuska, Oklahoma, on 2-22-68, filed. ds	
4-11-68	Ordered by the Court that this case is set for jury trial on Monday, May 20, 1968 at 9:30 A. M. (Fred Daugherty - Judge) b	
5-6-68	Deposition of Thomas S. Wright taken on behalf of the plaintiff at Hominy, Oklahoma, on 4-24-68, and reported by Hazel V. Maker, Pawhuska, Oklahoma. (\$19.50). ds	
5-16-68	Deposition of A. W. Holiday taken on behalf of defendant at Hominy, Oklahoma on 5-8-68. \$32.00. ds	
5-17-68	Defendant's answer to interrogatories of the plaintiff, filed. b	
5-21-68	Dismissal with prejudice filed by plaintiff. e	
5-21-68	Order dismissing cause with prejudice at cost of plaintiff, filed and entered. (FD-J) e	
5-20-68	Case tried to a jury May 20, 1968, and on May 21, 1968 at 9:30 A. M., parties announce settlement, jury discharged. Ordered by the Court that this case is stricken from the trial assignment, pending settlement. (Fred Daugherty - Judge) (Lee Cook - CSR) b	
5-21-68	Exhibits, filed.	
5-21-68	Plaintiff's dismissal with prejudice, filed. b	
5-21-68	Order of dismiss, filed and entered, cause is dismissed with prejudice at cost of the plaintiff. (Fred Daugherty - Judge) b	
5-22-68	Depositions and exhibits returned to the parties b	

DATE	PROCEEDINGS	Date Order or Judgment Noted